REMARKS

Claims 1-30 are pending in the application.

Claims 10, 11, 13-16, 21, 23 and 30 are deemed allowable if amended to independent form. The allowable claims 10, 11, 13, 15, 16, 21, 23 and 30 have been amended to independent form and should be allowed. Claim 12 has been amended to depend from allowable claim 11, claim 14 depends from allowable claim 13, claim 17 has been amended to depend from allowable claim 16.

Claims 10-17, 21, 23 and 30 are in condition for allowance which action is respectfully requested.

Claims 2-4, 6-9, 18, and 25-27 have been cancelled herein.

Claims 1, 5, 19, 20, 22, 24, 28 and 29 stand rejected.

Independent claim 1 includes at least the distinguishing features of an encapsulator to encapsulate data packets with headers; the IP network transmits the encapsulated data packets, and the circuit data includes a fractional T1 or fractional E1 transfer stream and where only time slots carrying information are packetized and carried over the IP network.

Claim 5 has been amended to independent form including the features of claim 1 and 3 and in addition claim 5 recites: said packetizer packs data into packets via collecting only time slots (TSs) carrying information from each TDM frame. Likewise independent claim 24 recites receiving circuit data of a fractional T1 or fractional E1 transfer stream and only time slots carrying information are packed into data packets and carried over the IP network.

In the Office Action claims 1-5, 19-20, 24-25 and 27-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Cox et al. (U.S. 6,459,708). Claims 6-9, 12, 17-18, 22, 26 and 29 were rejected under 103(a) as being unpatentable over Cox et al.

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With regard to <u>claims 1, 5 and 24</u> the Cox reference teaches packing all the time-slots of the T1/E1 data into the data packets. It appears in the Office Action that the examiner interprets all T1/E1 time-slots as taught by Cox as the "relevant time-slot" as previously recited in applicant's rejected claims. In applicant's claimed invention the "relevant time slots" meant only those time slots who carry information. Thus applicant's claim has been clarified.

Therefore in contrast to Cox, applicant's clarified claims 1, 5 and 24 recited that <u>only time slots carrying information are packetized</u>. Whereas according to Cox's teaching of all the timeslots being packetized into the data packets.

There is a very big difference between the two features of Applicant's claimed invention and the Cox reference. The fact that applicant is packing only the required TS is major technical improvement v.s constant packing as described in Cox. Because of applicant's advantages the packet size on the IP side is different from what occurs from the teaching of Cox. The bandwidth that is used on the packet network by applicant's claimed invention is optimized since only the "active" time slots are sent (i.e. time slots with information).

For at least the foregoing reasons it is respectfully requested the rejections be withdrawn.

Further with regard to **Claims 22 and 29** – These claims describe a clock recoverer function to recover the circuit emulation clock across <u>the packet network</u>.
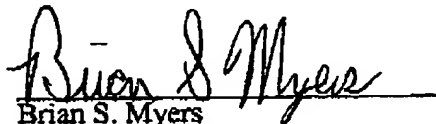
This is different from Cox where a clock recoverer function is described which gets the clocks out of <u>the T1/E1 lines</u>. This is totally different from applicant's recited clock recoverer to recover the circuit emulation clock across the packet network. It is respectfully submitted these features further distinguish claims 22 and 29 from the Cox reference.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider

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this application not to be in condition for allowance, the Examiner is respectfully requested to

telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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